

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C 07-4274 CW

ZACHARIAH JUDSON RUTLEDGE,

Plaintiff,

ORDER STRIKING NOTICE  
OF VOLUNTARY DISMISSAL

v.

COUNTY OF SONOMA, et al.,

Defendants.

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Plaintiff has filed a notice of voluntary dismissal without prejudice of all of his claims against Defendants J. Michael Mullins and Stephan R. Passalacqua. Rule 41(a) of the Federal Rules of Civil Procedure provides that a plaintiff may, without a court order, dismiss all claims against a defendant only by filing either: 1) a notice of dismissal before the defendant serves an answer or a motion or summary judgment; or 2) a stipulation of dismissal signed by all parties who have appeared. Otherwise, a court order is required. Mr. Mullins and Mr. Passalacqua have both answered the complaint. Plaintiff therefore may not dismiss his claims against these Defendants by filing a notice of dismissal. Accordingly, the notice of dismissal (Docket No. 119) is STRICKEN. If Plaintiff wishes to dismiss his claims against Mr. Mullins and

1 Mr. Passalacqua, he must either file a stipulation of dismissal or,  
2 if Defendants will not agree to a stipulation, move the Court for  
3 an order of dismissal.

4 IT IS SO ORDERED.

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6 Dated: 5/21/09



7 CLAUDIA WILKEN  
8 United States District Judge  
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